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In re application of
Michael Dutka et al.
Serial No. 10/089,162
Filed: December 31, 2001
For: WATER POWERED WASHING AND
RINSING DEVICE

DECISION ON
PETITION

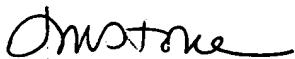
This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181, filed October 04, 2004. The petition requests that the abandonment, for failure to timely file a proper reply to the Office letter mailed August 03, 2004; be withdrawn since the applicants did not receive the Office Action mailed August 03, 2004.

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the application file history, indicates a Notice of Non-Compliance was mailed August 03, 2004 with a shorten statutory period of reply of one month with available extensions of time under 37 CFR 1.136(a). Thus, applicant's period of response was still running at the time of the petition and the case was never abandoned. Furthermore, applicant has filed a proper amendment at the sixth month date of February 03, 2005. Thus, the application was never abandoned in fact.

The application shall be forwarded to the examiner for entry, processing and consideration of the reply originally filed February 03, 2005.

The Petition is DISMISSED.



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